App F IX 4

Previous Referenees
Rel 76-35- Sl 68

1938
(Rel)

Rel File No 31-38
Serial Nos 61, 94 and 96

Letter References

GENERAL AND REVENUE SECRETARIAT

Serial Nos Three

Part B for Septr 1939

SUBJECT

Suit against the Hankar Town Municipality by one R T Gowda Rao of Hankar

Sl 96) To the D C Chitaldrug Dr No L 2886 of 14 9 39

WD 0295—GPB—22 500—13 8 37

Referring to the [redacted], states that the sale-Certificate demanded by the party be given & the property acquired subsequently if necessary

AO
28/9/39

Re Suit filed against the Harihar Town Mcty by one Mr R T Govinda Rao (3849)

General and Revenue Secretariat | Mcl File No 31 of 1938 | [App F III—2

Serial No 61

Letter No A6 C 1349/37-38 dy 25-1-39, from the DC Chitaldrug Dt, soliciting ~~of~~ approval, in the circumstances explained, to the action taken in issuing instructions to the Pst Harihar Tn Mcty to engage a lawyer at Davangere to defend the case filed by one Mr GovindaRao

Orders of the Secretary

The papers pending orders of Govt may be put up*

(Sd) P H K

The facts of the case are as follows -

2 Mr R T Govinda Rao, plaintiff in the above suit, owned a site bearing No 45 in the Musafirkhana extension in Harihar Town Subsequently, he built a ginning factory thereon, which was objected to by the other people who purchased sites there for building residential houses.

3 In pursuance of the resolution of the Harihar Tn Mcl dated 3-2-1937, agreeing to adopt the revised plan for the said extension, Mr GovindaRao was given an additional bit of vacant land adjoining his factory (original Site No 45 and No 47/2 according to modified plan) after recovery of the value thereof

NOTE—Contn Sheet

WD 0044—GIB—30 000—2 9 83

4 But when the question of granting the sale certificate to the party came up, the PDH. of the Hl Ch Harihar, was informed by the DC directed to await orders of Govt on the original communications submitted to Govt, seeking orders of Govt for the resumption of the sites granted to Messrs Syed Abdul Rub and Syed Ahmed and the acqn of Site No 45, on which the ginning factory of Mr. Gowda Rao is situated

5 Thus it is seen, that the question of issuing the sale certificate to the grantee, Mr Gowda Rao, was held in abeyance Subsequently, it is reported that Mr Gowda Rao has filed a Suit against the Harihar Mlty for putting him in possession of the land granted to him, for the issue of a sale certificate, etc

6 In the circumstances explained, the DC request solicits approval of his action in issuing instructions to the PDH to engage a lawyer to defend the case, the cost thereof being met from the closing balance of the Mlty

7 Subd with draft Go for approval

Sd
10/2/38

Serial No

From
the D-C Chitaldrug
no Rb C 1349/37-38 dt 4-3-38
Requests that the legal opinion
may be communicated as to the grant
of a certificate to one R Y Ramadasu
who has filed a suit against the Harlem
Tax dt in the matter
From the same officer
no Rb C 1349/37-38 dt 9-6-38
Requests early orders as the case
has been posted as a last chance to
28-6-1938 for reinstatement

This file was kept by mistake
a view to trace the old previous
references

The question relates to a case
of the year 1935-36, the old file no
being 76-35 The last diary no
of the subject was 5-937 The working
against it is Joint Member's
Chief Secy on 10 6 36 The papers
are not traceable in spite of two
time taken over it and of a
thorough search

NOTE—Contn Sheet

10 It was thought that This Case was ~~Similar to~~ the same as the one mentioned in Rl file 76-35 placed below But in this Case, there was another case pending in the Munsiff's Court. Devanagere (vide Last file) There is some confusion in regard to the Lits disposed of by Mr R J Fernandes & Mr Abdul Rub

11 The D.C wants legal opinion as to whether a sale certificate may be granted to Mr Fernandes for the purchase of the site in question But the records are not sent, as they are said to be with the counsel for Plff Unless the records are received, it is not possible to give a final reply Hence a draft letter to the D.C calling for the records etc is submitted for approval

12 Sanction to engage the Counsel may be accorded while passing final orders in the matter

13 Inv 2 26/6/-

The D.C Chitaldrug Regtd No L 10407 By 26.6.38

Calls for the records in the case and requests him to intimate the Counsel for the Pltff to apply the court for an adjournment of the case

suit filed against the Harbour Trust by the A-T Government

639/N

General and Revenue Secretariat | File No | of 193 | [App F III-2

Serial No

From the D-C Chitaldrug Dstt
no MC 1345-37-38-39
furnishes the information of the records called for

From
the same office
no MC 1345/38-39 dt 26-7-39
states that the case is finally posted to 31-7-39 & requests early orders in the matter

(4) The records have to be traced in the case and file will have then to be referred to the Law section for opinion It will take some more time As the cases stated to have been posted to 31-7-39 for hearing, a draft letter to the D-C Chitaldrug requesting that the legal Counsel for the Harbour Dept may move the Court for another adjournment till about the 30th Sept 1939 is put up A copy of this letter will be sent to the President, Town Municipal Harbour to facilitate immediate refee to the Advocate there

(5) After it is done, a detailed note will be put up for orders & for being ref for 29-7-39 to the Law section

NOTE—Contn Sheet

Law Secy 16 29/7/39

File No	of 193	General and Revenue Secretariat
		Serial No

against Harihar Town Mcl

Serial No

17(a) The previous records could not be traced, in spite of a thorough search

18) The question in this file relates to the gran of a sales certificate to Mr R S Govinda Rao of Harihar, who has filed a suit in the Davangere Munsiff's Court for its grant, against the Harihar Town Mcty

19 The facts of the case which are set forth in the P U D are as follows -

20 In the Musafirkhana Extension at Harihar, Mr Govinda Rao owned a site No 45 (100' x 156') as per original layout plan He has built a ginning factory thereon and put up a decorticator This was objected to by the people of the locality as making the area unfit for residential purposes In the same extension, as per original plan, sites were also granted to Messrs Syed Abdul Rub and Syed Ahmed But this grant was subsequently cancelled by the Municipal Council at their meeting held on 13-4-1936 The papers relating to this as well as the proposed acquisition or resumption of site No 45 of Mr Govinda Rao were submitted to Government in the year 1936

vide portion marked A on Ref Y (reverse)

In the meanwhile, the Harihar Town Municipal Council got prepared a modified plan of this extension in February 1937 from the Sanitary Engineer, Bureau of Sanitary Engineering and the Municipal Council adopted this plan and resolved as follows on 3-2-1937

not enclosed in the records

Ref T

'Resolved that the sites in the Musafirkhana

NOTE Contn Sheet

Suit filed against Municipal Council by Govinda Rao

R. D. Secretariat

File No of 19 | General and Record Secretariat

Serial No

Extension as per plan made by the Sanitary Engineer in his letter No 2774, dated 27-1-1937 be adopted for the Town Extension and that a statement of sites as per revised plan be prepared and the sites given possession of to the concerned parties after recovery of the extra cost, or refund x of excess, as the case may be, as per rates at which the sites have been already disposed of

99) The Municipal Council did not apply to Government for the sanction of the resolution In pursuance of this resolution, Mr Govinda Rao put in an application for the additional bit of land (vacant 35 x 136') adjoining his factory, (Site No 47/2 according to the modified plan) and this was sold to him by the Municipal Council for Rs 74-6-3 on 31-5-1937. He then presented a stamped paper (R) of the value of Rs 1-4-0 for granting him a Sale Certificate. When the matter was submitted to the Deputy Commissioner, it as ordered that orders of Government may be awaited on the previous references on the subject, before the sale certificate could be granted

98) Mr Govinda Rao, on the other hand, issued a notice to the Municipal Council for the grant of the sale certificate and has, after a lapse of two months, filed a suit in the Munsiff's Court at Davangere

vide the orders of the President in the margin dated 21/5/37 & 22/5/37

vide D.C's report (PVD I)

Suit filed by one R V Sarada Rao against Harihar Municipal

Serial No

PUD II

(4) The Municipal Council at Harihar have engaged the services of a Lawyer to defend the case The Counsel has suggested that the Municipal Council might agree to grant the sale certificate and put the plaintiff in possession of the site as there are no valid grounds to urge against the grant of the site and as the full amount has been received and a sale certificate also prepared

Hon V P

(5) The records show that it was by a mistake that the amount was recovered from Mr Govinda Rao for this additional bit of land and that he was not actually put in possession of the site, etc The Deputy Commissioner has sought a legal opinion in the matter

(6) The Municipal Council have themselves either knowingly or unknowingly sold this bit of land to Mr Govinda Rao and recovered the money in accordance with a resolution passed on 5-2-1957 There is no legal point involved in this case The transaction is complete and it will not perhaps be a tenable position to plead before the Court now that a mistake was committed in selling the site and recovering the money from him No sanction of Govt is required to the sale as the value is below 10000 If it is considered desirable to acquire the entire site from Govinda Rao a separate action may be taken and proposals submitted with the resolution of the Municipal Council,

This question need not perhaps be mixed up with

FORE Contn Sheet

Suit filed by one R D Fernandes against Harbans
1302/839 11/15
File No of 19
General and Revenue Secretariat

Serial No

the question which is now pending in the Court
The Deputy Commissioner also see[s] sanction o
Government for engaging the services of a lawyer

2) Since the case is said to be posted to 30-8-1939, a draft reply is submitted for favour of consideration. This reply is intended to set at rest the point under consideration in this file which is before the court.

Submitted for orders
Law
28/8/39

(Law Secy) 2/28/8

3) This maybe sent to the Law section if the Atty has any defence, the DC maybe written to take action on any pending examination of the question

(Law Secy) 28/8/39

4) Draft to the DC Chitaldrug is putup

for 28/8/39

(Law) 30) Law 2/28/8

To The Deputy Commr: Chitaldrug Distt

No L 2193 dt 28-8-39

Requests him to take action adjourning pending examination of the question

31) The file may be referred to the Law section as directed at A supra

for 28/8/39

(Law Secy) 31) 2/28/8

37/Law

Serial No

33) A perusal of the copies of the Plaint & the written Statement - Shows that the Municipality has no Valid defence Each of the Case as set & be found in the P O D I

34) The Scale of the Govt Lands has ever been measured 100' x 136' as per revised Plan, it was extended to 135' x 136' The Municipality proposed to buy Govt Land at Scale of 35' x 136' rate & that proposal was accepted by Govt Now Therefore the Govt has Sum Rs 76/6/3 as Court decided for the Said Scale, & the Municipality accepted that price Lastly, the Govt has furnished a Stamp paper of Rs 1/4/ & the Municipality for entry of the Sale Certificate & the Record Shows that the Sale Certificate also has been written up, but it is not issued by Govt Now Hence the Suit

35) Under Sec 38(1) of the Town Municipal Act, the Municipality is Competent to Sell the Said Sec 38(2) of the Said Act, & Clear, & unsold, as Sanction of Govt is needed for the Said Sale, & the Consideration for Sale is only Rs 76/4/00

36) Under Law, the Sale transaction is Complete, & as Such Govt has every right to get the Sale Certificate for the Municipality & other possession of the Said

37) The Correspondence referred to in Para 4, is about the acquisition of Govt Lands

Cont Sheet

Suit filed against the Harihar Town Municipality by Mr Govinda Rao 120/D

ML File No of 19 | General and Revenue Secretariat.

Serial No

Site necessary 100'x136' — 1 in Case of 1939/38 39
on the file of the Davangere Munsiff's Court regarding
which Para 4 of the said Petition is between the
Municipality and one Ker Rao, an account
of the formation of road over Rao's site
as per the Revised Plan No 1007, of the Rao's
Case goes against the Municipality, then perhaps
the site in question (viz) 35'x136' would be
affected — but that is no reason, why the
Municipality should withhold the Sale
Certificate Before obtaining the Sale
Certificate, the aggrieved proceedings could be started even
after the Sale is over & the possession of the Rao perhaps
the Municipality may fear that the Rao may
bring on the present site somebody else & so many
factors they have power to stop such a thing &
they can exercise that power the Municipality
has knowledge of the aforesaid facts, & yet they
entered into the transaction with the Rao &
now it is to late for them to withdraw their
steps

38) It is therefore not probable to
contest the Case

Law Secretary) 3/9/39

39) The Municipality has to execute
the Sale deed If they consider it necessary,
they may acquire it along with other property
subsequently

2nd Member) 4/9 3/9/39 KC 89 6/9 3/11/39

SECY LA[illegible] DEPT
1 SEP 1939
GOVT OF MYSORE

OFFICE OF THE
SECOND MEMBER OF COUNCIL
- 5 SEP 1939
1888

Suit against the Harihar Town Mc by Mr R T Gowda Rao

1599

General and Revenue Secretariat

Ml File No 31 of 1938 1173 App F III 2

Serial No

Letter from D C Chitaldrug is also put up (1599/L)

A draft letter to the Dc Chitaldrug is put up accordingly for approval

12/9/39 for (Law Secy) 12/9/39

12/9/39

96 To the D C - Chitaldrug 12/9/39

No L 2886 of 4-9-39

States that the sale certificate may be granted if necessary, the same having been acquired along with other property mortgaged

B m 14/9/39

NOTE–Contn Sheet

File No of 19

General and Revenue Secretariat.

Serial No	

URGENT

In reply please refer
No A6 C 1349/37-38
Encls

OFFICE OF THE DEPUTY COMMISSIONER
CHITALDRUG DISTRICT

Dated Chitaldrug 25th January 1939

FROM

M NAVANEETHAM NAIDU ESQ BA BL
Deputy Commissioner
Chitaldrug District

To

P H KRISHNA RAO, ESQ M A
Secretary to Government of Mysore,
Local Self-Government Department
Bangalore

Subject - Suit against the Harihar Town Municipality by one Mr R T Govinda Rao of Harihar

- 0 -

I have the honor to state that the President, Town Municipal Council states in his report No C C 109/36-37 dated 20th January 1939 that one Mr R T Govinda Rao, of Harihar Town has filed a suit against the Municipality(in O S NO 314/1938-39 on the file of the Munsiff, Davangere) on the ground that the plantiff(Mr R T Govinda Rao) was not put in possession of the bit of land(adjoining his existing factory at the place in the Musafirkhana extention) granted by the Municipality and that he has not been granted a sale certificate through he has credited the sale purchase amount of the land

The facts of the case are briefly as follows

Mr R T Govinda Rao, owned a site bearing No 45 in the Musafirkhana extension in Harihar Town measuring 100' x 136'(as per original lay-out plan). Subsequently, he built a ginning factory thereon and put in a decarticator also Having regard to the close proximity of living houses and as the other people who purchased sites in the same locality for building residentail houses objected

P T O

strongly to the construction of factories in this extension, the Deputy Commissioner(Mr B S Iyengar) submitted proposals to Government soliciting administrative sanction for the acquisition of site NO 45 in ~~xxx~~ the possession of Mr R T Govinda Rao(i e the site on which the factory is built), in connection with his(Deputy Commissioner's) recommendation to resume certain sites granted unauthorisedely (by the Municipal Council) to Messrs Syed Abdul Rub and Syed Ahamed of the same place(in the Musafirkhan extension area) Kind reference is invited to this office correspondence ending with letter NO A6 C 1262/35-36 dated 11th May 1936 and subsequent reminder letters noted in the margin

A6 C 2085/35-36 dated	10-11-37 29-1-38	While matters
	27-7-38	stood at this stage,
D O letter -do-	15-12-38	and after the receipt

of a modified plan of the above said extension from the Sanitary Engineer, Bureau of Sanitary Engineering the question of adoption of the modified plan was placed before the Municipal Council for consideration at its meeting held on 3rd February 1937 when it was resolved that sites in the Musafirkhana extension as per ~~modified~~ modified plan made by the Sanitary Engineer be adopted for the town extension and that a statement of sites as per revised plan be prepared and the sites given possession of, to the concerned parties after the recovery of extra cost or refund of excess amount as the case may be, according to the rates at which the sites have already been disposed of

In pursuance of the aforesaid resolution Mr

(next page please)

Mr I T, Govinda Rao, applied for the additional bit of vacant land(measuring 35' x 136') adjoining his factory site(original site NO 45 and NO 47/2 according to modified plan) The Municipal authorities recovered Rs 74-6-3 towards the cost of the additional bit of land on 31st May 1937 Thereafter Mr R T Govinda Rao, presented to the Municipality a stamped paper to the value of Re 1-4-0 for issuing him a sale certificate

After the receipt of a report from the President, Harihar Municipal Council in the matter of issuing the sale certificate to Mr R T Govinda Rao (now the plaintiff) in the present suit) the President was directed to ~~wait~~ await orders of Government on the original communications submitted to Government(vide this office NOs A6 Pet 227 34-35 dated 22nd September 1935 through the Revenue Commissioner and NO A6 C 1262/35-36 dated 11th May 1938 to the Development Secretary to Government) seeking orders of Government for the resumption of the sites granted to Messrs Syed Abdul Rub and Syed Ahamed and the acquisition of site NO 45, on which the factory is situated

I may bring to the kind notice of Government in this connection that the public of Harihar and the several site owners in this extension are objecting to the existence of the factory in its present situation in the interest of Public Health and convenience and are ~~after~~ petitioning on the subject The second Member of Council during his visit to Harihar Town in November 1937 has observed(Town Notes received from the Chief Secretary to Government vide his letter NO G 5502 dated 18th January 1938) that there are two small factories in the extension It was represented that the existence of these factories had made the extension unpopular as a residential area The

P T O

I enclose herein for reference copies of the plaint and the statement on the defence side and that of the reply from the plaintiff in the above said suit

I have, however, instructed the President to move the court and obtain an adjournment pending receipt of orders from Government in the matter

I solicit the favor of early orders of Government in the matter

I have the horor to be

S I R,

Your most obedient servant

Deputy Commissioner,
Chitaldrug District

S V

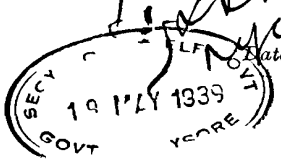
6208

Tel Address —DEPCOM Chitaldrug

In reply please refer
No A6, C 1349/37-38
Encls

OFFICE OF THE DEPUTY COMMISSIONER
CHITALDRUG DISTRICT

Dated Chitaldrug 18th May 1939



To DY

FROM

M NAVANEETHAM NAIDU ESQ BA BL 1912
Deputy Commissioner
Chitaldrug District

To

P H Krishna Rao Esquire M A ,
Secretary to Government,
Local Self-Government Department,
B a n g a l o r e

SIR

Subject - Suit against the Harihar town municipality one Mr R T Govinda Rao of Harihar in O S No 314/38 on the file of the Munsiff, Davangere

I have the honor to invite kind reference to this office letter No A6 C 1349/37-38 dated 5th April 1939 on the subject noted above and to request the favor of early orders of Government in the matter

I have the honor to b
S I R,
Your most obedient servant,

Navaneetham
Deputy Commissioner,
Chitaldrug District

M M NAVANEETHAM NAIDU B A B L
D puty Commi I er

OFFICE OF THE DEPUTY COMMISSIONER
CHITALDRUG DISTRICT

D O No. A6 C 1349/37-38

SECY LOCAL SELF GC
4 JUN 1939
GOVT OF MYSORE

Dated Chitaldrug 2nd June 1939

IMMEDIATE

Dear Sir,

Subject - Suit against the Harihar Municipality by Mr R T Govinda Rao of Harihar in O S No 314/38-39 on the file of the Munsiff Davangere
- o -

May I invite your kind reference to this office letter NO A6 C 1349/37-38 dated 5th April 1939 on the above subject and subsequent reminder dated 18th May 1939 and request you to obtain Very early orders of Government in the matter

The President Harihar Town Municipality reports(in his letter NO G C 109/38-39 dated 1st June 1939) that the case is posted to the 5th instant(i e , 5th June 1939) for rejoinder and issues He states that the Advocate has written to him for instructions in the matter

Thanking you for an immediate reply

Yours sincerely,

Naraneetham

P H Krishna Rao, Esq L A
Secretary to Government
Local Self-Government Department
BANGALORE

OFFICE OF THE DEPUTY COMMISSIONER
CHITALDRUG DISTRICT

D O No A6 C 1349/37-38 *Dated Chitaldrug* 21st June 1939

Dear Sir,

Subject - Suit against the Harihar Municipality by Mr R T Govinda Rao of Harihar in O S No 314/38-39 on the file of the Munsiff Davangere

I write to invite your kind reference to this Office D O letter No A6 C 1349/37-38 dated 2nd June 1939 on the above subject, and to request that early orders of Government in the matter, may be kindly obtained and communicated, as the President, Harihar Town Municipal Council reports that the said case is adjourned as a last chance to 28-6-1939, for rejoinder and issues

Yours Sincerely,

To

C Subramanya Iyer Esq ,B A ,B
Secretary to Government,
Law Department Bangalore

Appendix F G—1]

SUBJECT

Section

File No

Serial No

Diary No of letter replied to

No L 10607/mls

To

The Deputy Com
Controlling Dept

General and Revenue Secretariat

( )

the *193*

Date of issue 26 6 39

Sir,

With refee to the
Corrce ending with your
Signed by for Asst to VD III letter No AB-C 13 Leg 37-38
dated the 21st June 39
VD II requesting legal opinion in
Connection with the suit
filed by Mr R J Jeevan
Rao against the Hyderabad
Govt &c, I am directed
to state that the
original records connected
with the question have
been misland Javeed

List of enclosures

Copied by

Examined by

WD 0b63—GPB—30 000—6 1 39

easily forthcoming I am
therefore to request you to be
so good as to forward

1) the file of Records connected with
the Salary of the late undersigned
in the R-J Secretariat, which
are said to be with the Counsel
for the Northern Jurisdiction

2) a copy of the Resolution
the Meeting dated 3.2.1922
agreeing to tell the Sites to
turn in the estimates

3) a copy of the revised plans
prepared by the Bureau Family
Engineering for the Layout of the estimates

4) copies of letters no 86 file 247-30/34-35-1922 & 1935
dated 6.6.1935 & 30-11-1938
the subject referring your letter dated 28th 6-1935

Pending final orders being passed in the
matter, the Counsel for the Mfty
may be instructed to request the Court for
another further adjournment of the case
The matter may kindly be treated as immediate

Yours sincerely
2/6/61
for Secy to Govt of Law Dept

Immediate

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated Bangalore 26th June 1939

No L 10407
ml

From

The Secretary to the Government of His Highness the Maharaja of Mysore
Law Department

To

The Deputy Commissioner
Chitaldrug District

Sir,

With reference to the correspondence ending with your letter No A6 C 1349/38-39 dated the 21st June 1939 requesting legal opinion in connection with the suit filed by Mr R T Govinda Rao against the Haribar Town Municipality I am directed to state that the original records connected with the question have been mislaid and are not easily forthcoming I am therefore to request you to be so good as to forward

(1) the file of records connected with the sale of the site under dispute to Mr R T Govinda Rao, which are said to be with the counsel for the Haribar Town Municipal Council

(2) a copy of the Resolution of the Municipal Council dated 3rd February 1937 agreeing to sell the sites ~~Graham~~ in the extension,

(3) a copy of the modified plan prepared by the Bureau of Sanitary Engineering for the layout of the extension and

(4) copies of letters No A6 Per 227-30/34-35 dated 22nd September 1935 and No A6 C 267/35-36 dated 11th May 1938 on the subject referred to in your letter dated 25th January 1939

Pending final orders being passed in the matter, the counsel for the Municipality may be instructed to request the Board Court for another longer adjournment of the case The matter may kindly be treated as immediate

I have the honour to be,
Sir,
Your most obedient servant,

For Secretary to Government
Law Department

HKR 2

Deputy Commissioner
Chitaldrug District

To

C Subramanya Aiyer, Esq , B A , B L ,
Secretary to Government,
Law Department, Bangalore

SIR

Subject - Suit against tne Harihar Municipality by Mr R T Govinda Rao of Harihar, in O S No 314/38-39 ~~dated~~ on the file of the Munsiff Davangere

With reference to your letter No L 1040/M1 26th June 1939 on the above subject requesting me to forward the records connected with the sale of site under dispute to Mr R T Govinda Rao, of Harihar and for instructing the Counsel for the Municipality to request the court for another longer adjournment of the case, I have the honour to state as follows

I have issued needful instructions accordingly to the Municipal President Harihar and the Counself for the Municipality i e Mr Jade Krishna Rao, Advocate, Davangere for requesting the court for another longer adjournment

The Municipal President, Harihar reports (vide his No G C 109/36-37 dated 30th June 1939 enclosed for kind reference) that the case has been adjourned to 20-7-1939

I enclose herein the marginally noted

1 The file of records connected with the sale of the site to Mr R T Govinda Rao, under dispute now

2 Copy of the resolution of the Municipal Council dated 3rd February 1937

3 Modified plan prepared by the Sanitary Enginee r, Bureau of Sanitary Engineering for the layout of the extension (plan sent in original)

4 Copies of letters No A6 P R 227/34-35 dated 22nd September 1935

5 Copies of letter No A6 C 1262/35-36 dated 11th May 1936

) references for favour of kind reference and return as desired in your letter under reference

I request the favour of early orders of Government in the matter

I have the honour to be,
Sir,
Your most obedient servant,

Treasury Asst Commissioner
(Deputy Commissioner,
absent from Station)
Chitaldrug District

Letter No A6 C 1262/35-36 dated 11th day 1939 from the Deputy Commissioner, Chitaldrug District, to the Secretary to Government Development Department, Bangalore

In continuation of this office No A6 C 1262/35-36 dated 1st December 1935 forwarding for the information of Government copies of the two notices issued by me to the Harihar Municipal Council under Sec 194 of the Town Municipal Regulation in respect of the grant of sites for buildings to Messrs Abdul Rub and Syed Ahamed I have the honour to forward herewith the file of correspondence

Letter No 109/36-37 dated 30th June 1939 from the President Municipal Council, Harihar, to the Deputy Commissioner, Chitaldrug District

Subject - Re suit filed by Mr H T Govinda Rao of Harihar against the Harihar Town Municipality

I beg to submit herewith the records called for in L 10407 ML dated 26th June 1939 from the Secretary to Government of Mysore Law Department, Bangalore, forwarded with your office memo No A6 C 1349/38-39 dated 27th June 1939

The case has been adjourned to 20-7-1939 The receipt of the records may kindly be acknowledged

"Copy"

For Deputy Commissioner,
Chitaldrug District

Letter No A6 C 1262/35-36 dated 11th May 1939 from the Deputy Commissioner, Chitaldrug District, to the Secretary to Government Development Department, Bangalore

In continuation of this office No A6 C 1262/35-36 dated 1st December 1935 forwarding for the information of Government copies of the two notices issued by me to the Harihar Municipal Council under Sec 194 of the Town Municipal Regulation in respect of the grant of sites for buildings to Messrs Abdul Rub and Syed Ahamed I have the honour to forward herewith the file of correspondence ending with the Davangere Sub Division Officer's memo No R2 C 1067/P R 102/35-36 dated 22-4-36 in the matter along with the connected four records and two plans In response to the notices issued the question was discussed at length by the Municipal Council Harihar and it was resolved that the order of the Deputy Commissioner in this matter viz the cancellation of the grant of sites to the above named gentlemen in Harihar Town might be confirmed Copies of the resolutions are enclosed in the file I request that orders of Government may kindly be obtained to have the resolution of the Harihar Town Municipal Council in the matter of the unauthorised grant of building sites to Messrs Abdul Rub and Syed Amamed cancelled and the sites resumed to Government

As regards the acquisition of site No 45 granted to Mr R T Govinda Rao for a factory the Municipal Council has resolved at its meeting held on 9-4-36 that the same might be acquired and the cost met out of the funds A copy of the resolution of the Council in this respect is also enclosed for perusal Separate proposals with the preliminary notifications etc , will be submitted in due course

The records may kindly be returned when done with

****

COPY

For Deputy Commissioner,
Chitaldrug District

Letter No A6 P R 227/34-35 dated 22nd September 1935 from the Deputy Commissioner, Chitaldrug District, to the Secretary to Government, Development Department, Bangalore

Subject - grant of certain sites unauthorisedly to certain persons in the Harihar Town Municipality

I have the honour to state that Mr R T Govinda Rao, a resident of Harihar Town gave me two applications in the month of May 1935 (vide Record No IV) protesting against the grant by the said Municipality of an extent of vacant land as noted in brackets (North to South 50' & East to West 99') to one Mr Abdul Rub an inhabitant of the same town He protested also in the said petitions against the permanent grant of another site in the same locality to one Syed - Ahmed This site is alleged to measure, east to west -30' and north to south 34' Thereupon I issued a stay order in the matter under Section 194 of the Town Municipalities Regulation and called for the records together with a detailed report on the several allegations made, from the President of the Harihar Municipality

On an examiration of the papers the following irregularities have been noticed Firstly, in respect of the permanent grant of the Municipal site to Syed Ahmed This site was originally granted to one Mundrugi Mahadevappa on a temporary tenure for a ground rent of Rs 3/- per mensum This was in the year 1931 (vide report of the Amildar dated 20-8-1931 and the order of the Deputy Commissioner thereon dated 29-8-1931 in Record No I, page 17/1) This site - changed hands subsequently, one Syed Ahmed having bought it from the said Mundrugi Mahadevappa This person applied to the Municipality to possess the said area on the same tenure as his predecessor (vide page 22 of Record No I) Before proceeding further, it may be stated that the Deputy Commissioner has in his order clearly laid down that this structure should only be temporary and that no occasion should be given to the owner to put up permanent buildings This has been agreed to by the said Mahadevappa (vide his mutchalika on stamped paper in page 30 of the file - Record No I). Matters continued like this till 6th September 1933 when the said Syed Ahmed presented a petition to the Municipality for the permanent grant of the site

Things dragged on for a considerable length of time and 22-2-1935 the Municipal Council resolved that "The President inspect and dispose in conformity to the Factory Regulation" (vide

page 32 of Record No I) On 15th May 1935, the President, in spit of the express orders of the Deputy Commissioner in this behalf ad verted to previously and in the face of the Office note in which it has been pointed out that the site should be kept open, (vide Deputy Commissioner's order dated 9-2-1932, page 59 of Record No II) has made bold to grant the site permanently to the said Syed Ahmed at six annas a square yard The amount has been recovered from the party and a certificate also granted to him In this case it will be seen that the President has clearly contravened the previous order of the Deputy Commissioner directing that the grant should only be temporary (vide page 17 of record No 1) The Municipality has no authority to pass a resolution authorising the President to dispose of the site in contravention of the order of the Deputy Commissioner in the matter The President has failed to give the proper lead to them and to realise his responsibility also in the matter I have now directed the present President to withdraw the sale certificate and to refund the money to the said Syed Ahmed My action may kindly be approved and the resolution of the Municipality in the matter cancelled

3 Coming to Record No 2 - In this case one Mr Abdul Rub applied for the grant of some vacant land for upset price adjoining his site No 54 This was on 6th March 1935 (vide page 61/1 of Record No 2) The Managing Committee of the Municipality passed a resolution on 22nd April 1935 (vide page 62 of the record) that the site might be granted to the applicant for an upset price of two annas per square yard It was pointed out in the Office note(vide page 63 Record No II that the Deputy Commissioner had already ordered ~~to~~ so for back as 1932 that the sites should be kept vacant and not given to any body ~~This order of the Deputy Commissioner had already ordered so far back as 1932 that the site should be kept vacant and not given to any body~~ This order of the Deputy Commissioner on the report of the previous President is contained in pages 56 to 59 of the record No 2 In spite of the Office note, the Municipal Council passed a resolution on 24th April 1935 that the recommendation of the Chairman of the Managing Committee in respect of the grant might be approved

3 This subject does not find a place in the agenda for the meet ing as I find on verification It seems to have been hurried through

This meeting was presided over by Mr S M Sitaramaiah The amount of upset price has been recovered and a sale certificate has been granted to Mr Abdul Rub by the Municipality In this case also, the definite orders of the Deputy Commissioner nave been contravened by the Municipality in a very arbitrary manner Mr S M Sitaramaiah has again given a wrong lead to the Municipal Council

5 I have inspected the locality in company with the Sub Division Officer This is a residential quarter and I quite agree with my predecessor in his opinion that the sites in question should be kept open and not given to any body I have already issued a stay order in the matter and I have now directed the present President to withdraw the sale certificate and to refund the money to the party The - resolution of the Municipal Council in the matter of the grant to Mr Abdul Rub may kindly be cancelled and the action taken by me - approved under Section 194 of the Town Municipalities Regulation

6 The petitioner, Mr R T Govinda Rao has built a ginning - Factory on his site No 45 It is a zinc shed building with bamboo thatti wall and as such a ricketty worthless and unsightly structure At first it was intended to be used for the ginning factory Subsequently a decarticator has been put in also This matter of putting up a ginning Factory went up to Government in the year 1930 and a copy of their order is contained in the file(vide page 30-Records No II) This Govinda Rao encroached upon an area of 16 feet square to the west of his site on a vacant space reserved for a road (vide page 45 A of Record No II) It was finally ordered by the Deputy Commissioner in his order dated 9-2-1932 that the encroachment should be removed immediately The record relating to the removal of this encroachment is enclosed herein for perusal (Record No 3) It will be seen therefrom that no serious attempt has yet been made even after a lapse of three years to remove this encroachment It still exists as I found on an inspection of the site now I have issued order to the President to take action for the removal of the encroachment without any further delay

7 A perusal of all these papers will show that there has been longstanding ill-will between the petitioner Govinda Rao and the

Counter-petitioner Abdul Rub and Syed Ahmed It was a mistake on the part of the Municipality to have given a license to H T Govinda Rao for putting up a ginning Factory in this new extension which is emminantl fitted for residential buildings Kind reference is invited to the communication of the Sanitary Engineer No 245 dated 13-10-1931 (vide page 43 of Record No 2) It looks to me that the Municipality has all along bee very perverse in this matter of carrying out orders in respect of this item of its business viz the disposal of the vacant area in the extension I have often inspected this locality and I am of opinion that it ought to be reserved for residential purposes The original lay out of of this extension is contained in plan No -I Most of the sites fronting the Bangalore-Darwar Road rand the Malebennur road have been disposed of . It seems to be on old lay out This was revised by tne Bureau of Sanitary Engineering in the year 1928 (vide plan No 2, Blue print) This plan could not be given effect to as it interefered with private rights existing in respect of the disposed of sites as per old plan That is the present position The vacant sites in question are to the west of site No 45 according to plan No 1 Having regard to the proximity of the living houses and as the people are against growth of factories in this part of the town, I am of opinion that site No 45 in the possession of Mr Govinda Rao should be acquired by the Municipality The cost of the same cannot be much as it was given to Mr Govinda Rao's father, late Mr Mahadeva Rao for a sum of Rs 170 and odd The structure is not a substantial one being composed of Cofrogated iron sheets and bamboo thatti walls The removal and refixing of the machinery may also not cost much He will be paid the usual compensation under the Land Acquisition Regulation I request tnat my - proposal in the matter may kindly be approved It will remove a fruitful source of constant trouble and public nuisance

8 To sum up, orders are solicited on the following -

(1) Cancellation of the resolution of the Municipal Council regarding the grant of site permanently to Mr Syed Ahmed (vide record - 1)

(2) cancellation of the resolution of the Municipal Council in respect of the grant of the vacant site to Mr Abdul Rub (vide record No 2

(3) approval to the proposal regarding the acquisition of Mr Govinda Rao's site No 45 on which stands his ginning factory

In respect of the last item actior will be taken to submit the acquisition proposals in ~~the~~ due form on receipt of administrative sanction in the matter

9 It may not be out of place here to bring to the notice of Government the part played by Mr S M Sitaramaiah the then President of the Council and now Amildar, Malur Taluk He has been mainly responsible as will be seen from the perusal of the records for the mess that this affair has got into He handed over charge to his successor Mr Aminulmuk on the 9th May 1935 He has passed his order in respect of the permanent grant to Mr Syed Ahmed on the 15th May, i e a day previously (vide page 36, record No 1) The resolution was passed in respect of the grant three months previously (vide page 32 of record No 1) I strongly suspect his bonafides in the matter in as much as there has been a delay of nearly three months between the resolution of the Council and the order of the Amildar and also having regard to the fact that the said order was passed a day prior to his departure In both the cases as well as in taking action for the removal of encroachment by Mr R T Govinda Rao, he has not carried out the orders of the Deputy Commissioner though they were passed years ago but has actually contravened them in the former two cases His conduct in this affair deserves disciplinary notice of the hands of Government

10 The entire records consisting of four files and two plans are herein enclosed for kind reference

****

"COPY"

For Deputy Commissioner,
Chitaldrug District

630

Tel Addre —DEPCOM Chitaldrug

In reply please refer
No A6 C.1349/38-39
Enclosures (one letter copy & one postal letter)

OFFICE OF THE DEPUTY COMMISSIONER
CHITALDRUG DISTRICT

Dated Chitaldrug 26th July 193 9

LAW DEPT
29 JULY 1939

FROM

Mahomed Ismail Sheriff, Esq, B A,
M NAVANEETHAM NAIDU xxxxxxxxxxxx
Deputy Commissioner
Chitaldrug District

To

C Subrahmarya Aiyar, Esq, B , B L
Secretary to Government,
Law Department, Bangalore

SIR

Subject - Suit against the Haribar Municipality by Mr R T Govinda Rao of Haribar in O S No 314/38-39 on the file of the Munsiff, Davengere

In continuation of this office letter No A6 C 1349/38-39 dated 5th July 1939, on the above subject, I have the honour to state that the President, Haribar Town Municipality reports (vide copy of his report No G C 109/36-37 dated 22-7-39 enclosed for kind reference that the case is finally posted to 31-7-39 The Municipal Advocate has also addressed the President in the matter (vide his letter dated 20-7-39 enclosed in original)

In the circumstances, I request the favour of early orders of Government in the matter

I have the honour to be
Sir,
Your most obedient servant

Deputy Commissioner
Chitaldrug District

Letter No I C 109/36-37 dated 22nd July 1939 from the President, Town Municipal Council, Harihar, to the Deputy Commissioner, Chitaldrug District

Subject - Suit against the Harihar Municipality by Mr T R Govinda Rao of Harihar, In O S 314/38-39 on the file of the Munsiff Davangere

I beg to enclose herewith the letter dated 20-7-39 received from Mr Jade Krishna Rao, Advocate, Davangere, intimating that the above case has been finally posted to 31-7-39

****

" C O P Y "

Deputy Commissioner
Chitaldrug District

Appendix F G—1]

SUBJECT

Section

File No

Serial No

Diary No of letter replied to

No 11142

To The D C Chitaldrug Dist

General and Revenue Secretariat

( )

the *193*

Sir,

Date of issue 29/7/39

With reference to the correspondence ending with your letter no D6 13169/37-38 dated 26 7 39 in regard to the suit filed against the Harihara Town Municipality by one R. T Govindaraja of Harihara on O.S no 314/38-39 on the file of the Munsiff, Davanagere, I am directed to state that it will take some more time before the records are

Signed by

List of enclosures

Copied by

Examined by

~~Informed you~~ I am accordingly to request you to instruct the Counsel for the ~~Pty~~ to take ~~move~~ ~~request~~ the court for another adjournment of the hearing of the case by about a month

A copy of this letter ~~has~~ also been sent separately to the Respondent, Hon'ble Tim ~~Mbl~~ for information & necessary action

Thanking you

Yours faithfully

29/7/19

for Law Secy

Memo no L 1143 dt 29/7/19

copy ~~to~~ to the Respondent Hon'ble Tim Mbl for info & necessary action

Sd/-

29/7/19

Dy Secy (Legal)

for Law Secy

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated Bangalore 29/7/1939

No L 1142

From

The Secretary to the Government of His Highness the Maharaja of Mysore
Law Department

To

The Deputy Commissioner,
Chitaldrug District, Chitaldrug

Sir,

With reference to the correspondence ending with your letter No.A6.1349/38-39 dated 26th July 1939 in regard to the suit filed against the Harihar Town Municipality by Mr. R T.Govinda Rao of Harihar in O.S. No.314/38-39 on the file of the Munsiff, Davangere, I am directed to state that it will take some more time before the records are traced I am accordingly to request you to instruct the Counsel for the municipality to move the court for another adjournment of the hearing of the case by about a month

copy of this letter has also been sent separately to the President, Harihar Town Municipal Council for information and necessary action

I have the honour to be,
Sir,
Your most obedient servant,
Sd C Subrahmanya Iyer,
Secretary to Government,
Law Department.

P 3 Memo No L 1143 Dated, 29th July 1939

Copy of the above is forwarded to the President, Harihar Town Municipal Council, for information and necessary action

By Order

For Secretary to Government
Law Department

11752

Tel Addre —DEPCOM Chitaldrug

In reply please refer
No A6 C.1342/37-38
Encls One

OFFICE OF THE DEPUTY COMMISSIONER
CHITALDRUG DISTRICT

Dated Chitaldrug 18th August 1939

FCY LAW DEPT
21 AUG 1939
J/ O MYSORE

From

Mahomed Ismail Sheriff, Esq , B ,
~~Mx.N~~AYANEETHAM NAIDU, ~~Esq.,B A.,B.L~~
Deputy Commissioner
Chitaldrug District

To

Subrahmanya Iyar, Esq , L ,
Secretary to Government of Mysore,
Law Department, Bangalore

Sir

Subject - Suit against the Harihar Town Municipality by Mr R T - Govinda Rao
- C -

With reference to your letter No L 1142 dated 29th July 1939 on the above subject requesting me to instruct the counsel for the Municipality to move the court for another adjournment of the hearing of the case by about a month, I have the honor to state needful instructions were issued to the Municipal President in the matter

The Munsiff, Davangere to whom a reference had been made by me in the matter states that the case has been adjourned to 30th instant(i e , 30th August 1939) (Vide copy of his letter enclosed for kind perusal) Early orders of Government may be kindly obtained before then

I have the honor to be,
Sir,
Your most obedient servant,

DEPUTY COMMISSIONER
CHITALDRUG DIST

Letter NO 110 dated 8th August 1939 from the unsiff, Davangere, to the Deputy Commissioner, Chitaldrug District, Chitaldrug

- C -

With reference to your D O NC 30/7 dated 30th July 1939, I have the honor to state that the suit(O S 314 of 1938-39 on the file of this court) filed by R T Govinda Rao of Harihar - against Harihar Town Municipality, has been - adjourned to 30th August 1939

'COPY'

DEPUTY COMMISSIONER
CHITALDRUG DIST

vr

Appendix F G—1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *193*

Date of issue 28/8/39

Signed by M. Webb

List of enclosures

Copied by

Examined by

Immediate Section

File No

Serial No

No 2193

To

The D C

Chittagong Dist

Sir

With reference to the Circle ending with your letter no AG C 1345/37-38 dated 18th August 1939 stating that the case relating to the suit filed against the Hon'ble Sir RP Sarvadhikary has been adjourned to the 30th August 1939 & requiring early orders thereon, I am directed to state that the question

WD 0563—GPB—30 000—6 1 39

Still under examination & so request
you to take another adjournment

I beseech

2/21/17

Jas Lee Stoyle

Law Dept

Immediate

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated Bangalore 28th August 1939

No. L2193/nil

From

The Secretary to the Government of His Highness the Maharaja of Mysore
Law Department

To

The Deputy Commissioner,
Chitaldrug District

Sir,

With reference to the correspondence ending with your letter No A6-C 1349/37-38 dated 18th August 1939 stating that the case relating to the suit filed against the Harihar Town Municipality by Mr P T Govinda Rao has been adjourned to the 30th August 1939 and requesting early orders of Government, I am directed to state that the question is still under examination and to request you to take another adjournment

I have the honor to be,
Sir,
Your most obedient servant,

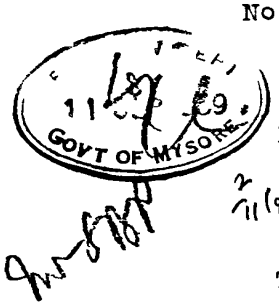
Illegible

For Secretary to Government,
Law Department

1599

No A6 C 1349/37-38 Con 1

Office of the Deputy Commissioner,
Chitaldrug District,
Dated, Chitaldrug 9th September 1939



From

Mahomed Ismail Sheriff, Esq, B A
Deputy Commissioner,
Chitaldrug District

To

C Subrahmanya Aiyar, Esq, B A,
Secretary to Government,
Law Department, Bangalore

Sir,

Subject - Suit against the Harihar Town Municipality by Mr R T Govinda Rao

With reference to your letter No L 2192/41 dated 28th August 1939, on the above subject, in the matter of taking another adjournment, I have the honour to state needful instructions were accordingly issued to the Municipal President for moving the court for granting long adjournment in this office memo No A6 C 1349/37-38 dated 29th August 1939 The Munsiff Davangere had also been separately addressed in the matter

The President, Harihar Municipality reports in his letter No G C 109/36-37 dated 2-9-39, that the case has been posted to 18-9-1939, for hearing (vide copy of letter enclosed for kind perusal)

I request that early orders of Government may kindly be obtained before that date

I have the honour to be,
Sir,
Your most obedient servant,

DEPUTY COMMISSIONER
CHITALDRUG DIST

Letter No G C 109/36-37 dated 1st September 1939 from the President, Town Municipal Council, Harihar, to the Deputy Commissioner, Chitaldrug District

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With reference to your memo No A6 C 1349/37-38 dated 29th August 1939, forwarding copy of letter No 2193/A1 dated 28th August 1939 from the Secretary to Government, Law Department, Bangalore asking me to request the counsel of this Municipality to move the court for granting a fairly sufficient adjournment in the suit filed against this Municipality by Mr R T Govinda Rao I beg to submit that the case has been posted to 18-9-1939

"COPY"

DEPUTY COMMISSIONER
CHITALDRUG DIST

Appendix F G—1]

SUBJECT Suit against the Hanhar Town Munici-
pality by one Mr R T Govinda Rao of Hanhar

Section Mul
File No 31-38
Serial No 9.96

Diary No of letter replied to

No L2806 Gen Records

To The D-C Chitaldrug Dt

General and Revenue Secretariat

( )

the 193

Sir

In continuation of this office letter no L 2193 of 28 8 38 on the above subject, I am directed to state that Mr R T Govinda Rao may be granted the sale certificate demanded by him in respect of the property in question sold to him by the Hanhar Town Mc cl and that should the Mc cl consider it necessary to acquire the same property they may do so along with the other property subsequently

Date of issue 14/9/1938

Signed by

List of enclosures

Copied by

Examined by

2 The file of records received with

your letter No A 6 C 1349/37 38
of 5th July 1939 as above returned herewith

Thanks &c

9/1219
Secretary to Govt
Law Dept

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L 2886/mel 37-38-96 *Dated Bangalore* 14/7/1939

From

The Secretary to the Government of His Highness the Maharaja of Mysore
Law Department

To

The Deputy Commissioner,
Chitaldrug District, Chitaldrug.

Sir

Subject - Suit against the Harihar Town Municipality by one Mr.R T Govinda Rao of Harihar

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In continuation of this office letter No L 2193 dated 28th August 1939, on the above subject, I am directed to state that Mr R.T Govinda Rao may be granted the sale-certificate demanded by him, in respect of the property in question sold to him by the Harihar Town Municipal Council and that should the municipal council consider it necessary to acquire the same property, they may do so along with the other property subsequently.

2 The file of records received with your letter No A6 C 1349/37-38 dated 5th July 1939 is herewith returned

I have the honour to be,
Sir,
Your most obedient servant,

Asst Secretary to Government,
Law Department

R 3